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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,853	05/30/2000	David E. Carlson	81001/101/101	1512

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/580,853

Applicant(s)

CARLSON, DAVID E.

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Receipt is acknowledged of the preliminary amendment filed 5/30/00.

***Claim Objections***

2. Claims 1-6, 8-11, 13-16, and 18-20 are objected to because of the following informalities:

Claim 1, line 2 “, the improvement” should be deleted.

Claims 2-6, 8-11, and 13-16, line 1 “An” should be changed to --The--.

Claim 11, line 2, change “the” to --a--.

Claim 18-20, line 1 “An article” should be changed to --The method--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-12, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyon, US Patent No. 3,787,993, cited by the applicant.

Lyon discloses a colored gas container band comprising: a container 12 has first and second vertically spaced horizontal circular grooves 14 and 16 in its outer periphery. The grooves are separated by a narrow horizontal circular ridge 18. The band, with the appropriate side exposed is then placed in the appropriate groove to indicate the state of the container. The band can be flipped from one groove into the other and reversed at the same time by a suitable

manual operation. Each groove can have a finger tip recess 20 for facilitating this reversal (see figures 3-6).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyon. The teachings of Lyon have been discussed above.

Lyon fails to disclose or fairly suggests a plurality of articles contained together in bulk. However having a plurality of articles together in bulk is a duplication of element, which would have been obvious for storing the articles. Furthermore, having the articles in bulk fashion does not proving any unexpected results. Therefore, it would have been an obvious extension as taught by Lyon.

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scot, US Patent No. 4,858,763, in view of Lyon. The teachings of Lyon have been disclosed above.

Scot discloses a florescent light holster comprising a plurality of florescent light bulb 22 so that a work-man can easily carry the bulbs during operation.

Scot fails to disclose or fairly suggest marking means for identifying the state of each light bulb.

Lyon has been discussed above.

In view of Lyon's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to employ the well known colored coded marking means into the system of Scot for identifying the state of the light bulbs. Such modification would facilitate a work-man (operator) during operations of replacing light bulbs by providing visual symbols stating the state of each light bulb. Therefore, it would have been an obvious extension as taught by Scot.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aeschliman, US Patent No. 4,613,042, discloses a lamp holder. Maddock, US Patent No. 4,953,701, discloses a fluorescent tube carrier. Neeley et al, US patent No. 5,164,575, disclose a blood sample procedure and apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

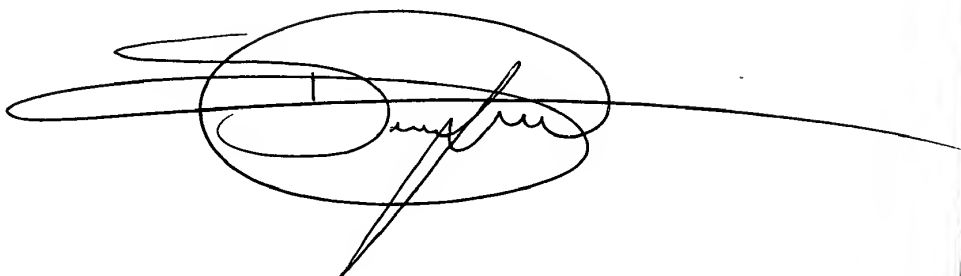
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Art Unit: 2876

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Daniel St.Cyr  
Examiner  
Art Unit 2876

DS

April 10, 2002

A handwritten signature in black ink, appearing to read "Daniel St. Cyr", is written over a large, hand-drawn oval. A long horizontal line extends from the right side of the oval across the page.